

COAST LAW GROUP LLP

HELEN I. ZELDES (220051)

helen@coastlaw.com

BEN TRAVIS (305641)

ben@coastlaw.com

1140 S. Coast Highway 101

Encinitas, California 92024

Telephone: 760-942-8505

Facsimile: 760-942-8515

Co-Lead Class Counsel

[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

IN RE: TOLL ROADS LITIGATION

Case No: 8:16-cv-00262 AG (JCGx)

PENNY DAVIDI BORSUK; DAVID
COULTER; EBRAHIM E. MAHDA;
TODD QUARLES; TODD CARPENTER;
LORI MYERS; DAN GOLKA; and
JAMES WATKINS on Behalf of
Themselves and All Others Similarly
Situated,

Plaintiffs,

vs.

FOOTHILL/EASTERN
TRANSPORTATION CORRIDOR
AGENCY; SAN JOAQUIN HILLS
TRANSPORTATION CORRIDOR
AGENCY; ORANGE COUNTY
TRANSPORTATION AUTHORITY;
3M COMPANY; BRiC-TPS LLC;
RHONDA REARDON; MICHAEL
KRAMAN; CRAIG YOUNG; SCOTT
SCHOEFFEL; ROSS CHUN; DARRELL
JOHNSON; LORI DONCHAK;

**JOINT STATEMENT
INFORMING THE COURT OF
SETTLEMENT WITH THE TCA
DEFENDANTS AND BRIC-TPS,
LLC**

Date: August 26, 2019

Time: 10:00 a.m.

Judge: Hon. Andrew J. Guilford

Courtroom: 10D

Compl. Filed: October 2, 2015

1 COFIROUTE USA, LLC; and DOES 3-10,
2 inclusive,
3 Defendants.
4

5 Plaintiffs, on the one hand, and Foothill/Eastern Transportation Corridor
6 Agency, San Joaquin Hills Transportation Corridor Agency, Michael Kraman, Craig
7 Young, Scott Schoeffel, Ross Chun, and Rhonda Reardon (collectively the “TCA
8 Defendants”), and BRiC-TPS, LLC (“BRiC”) on the other hand, hereby notify the
9 Court that they have reached an agreement to settle all claims against the TCA
10 Defendants and BRiC on a classwide basis. The settlement resolves only the claims
11 against TCA Defendants and BRiC; it does not resolve any claims against the
12 Orange County Transportation Authority Defendants and Cofiroute USA, LLC.

13 Plaintiffs and the TCA Defendants have signed a written term sheet and are
14 working to draft and execute a complete agreement and supporting documents,
15 including settlement class notice, which require approval of the Boards for the TCA
16 Defendants. When these projects are completed, Plaintiffs will file a motion with the
17 Court seeking preliminary approval of the settlement and an order directing notice
18 to be sent to the settlement class under Fed. R. Civ. P. 23(e)(1).

19 Because of the settlement, Plaintiffs and the TCA Defendants, respectfully
20 request that the Court continue those portions of the hearing scheduled for August
21 26, 2019 concerning only TCA Defendants and BRiC. Plaintiffs also request that the
22 hearing concerning the remaining defendants, Orange County Transportation
23 Authority, Lori Donchak, Darrell Johnson, and Cofiroute USA, LLC, be continued
24 so as not to interfere with the orderly and efficient resolution of pending settlements.
25 TCA Defendants and BRiC take no position as to this request. If the hearing is not
26 to be continued, the Court should *exclude* 3M, BRiC, and the TCA Defendants from
27 any ruling on the pending Joint Defense Motion to Decide Key Questions (Dkt. 527)
28

1 and make it clear in any tentative and final opinion addressing the motion that the
2 ruling does *not* apply to 3M, BRiC, and the TCA Defendants.

3 Counsel for the TCA Defendants, BRiC and Plaintiffs will appear at the
4 August 26, 2019 hearing and be prepared to address the Court's questions about the
5 settlement approval process, although we respectfully request leave to keep the
6 settlement terms confidential until they are presented to the Court in a preliminary-
7 approval motion.

8
9 Date: August 22, 2019

Respectfully submitted,
COAST LAW GROUP LLP
HELEN I. ZELDES (220051)

11 By: /s/ Helen I. Zeldes
12 Helen I. Zeldes
13 helen@coastlaw.com
14 1140 S. Coast Hwy. 101
15 Encinitas, CA 92024
16 Telephone: (760) 942-8505
Facsimile: (760) 942-8515
CO-LEAD CLASS COUNSEL

17 Date: August 22, 2019

LINDEMANN LAW FIRM, APC
BLAKE J. LINDEMANN (255747)
19 By: /s/ Blake J. Lindemann
20 Blake J. Lindemann
21 blake@lawbl.com
22 433 N. Camden Drive, 4th Floor
23 Beverly Hills, CA 90210
Telephone: (310) 279-5269
Facsimile: (310) 300-0267
CO-LEAD CLASS COUNSEL

24 Date: August 22, 2019

CUNEO GILBERT & LADUCA LLP
MICHAEL J. FLANNERY (196266)

27 By: /s/ Michael J. Flannery
28 Michael J. Flannery
mflannery@cuneolaw.com

7733 Forsyth Boulevard, Suite 1675
Clayton, MO 63105
Telephone: (314) 226-1015
Facsimile: (202) 789-1813
CO-LEAD CLASS COUNSEL

Date: August 22, 2019

NOSSAMAN LLP
E. GEORGE JOSEPH
BENJAMIN Z. RUBIN
ASHLEY J. REMILLARD

By: /s/ Benjamin Z. Rubin

Benjamin Z. Rubin

Attorneys for Defendants
FOOTHILL/EASTERN
TRANSPORTATION CORRIDOR
AGENCY, SAN JOAQUIN HILLS
TRANSPORTATION CORRIDOR
AGENCY; RHONDA REARDON;
MICHAEL KRAMAN; CRAIG YOUNG;
SCOTT SCHOEFFEL; AND ROSS CHUN

Date: August 22, 2019

AKIN GUMP STRAUSS HAUER & FELD
LLP

By: /s/ Hyongsoon Kim

Anthony T. Pierce (Pro Hac Pending)
Hyeongsoon Kim

Attorneys for Defendants
FOOTHILL/EASTERN
TRANSPORTATION CORRIDOR
AGENCY, SAN JOAQUIN HILLS
TRANSPORTATION CORRIDOR
AGENCY; RHONDA REARDON;
MICHAEL KRAMAN; CRAIG YOUNG;
SCOTT SCHOEFFEL; AND ROSS CHUN

1 Date: August 22, 2019

2 ROPERS, MAJESKI, KOHN & BENTLEY
3 STEPHEN J. ERIGERO
4 TIMOTHY J. LEPORE

5 By: /s/ Timothy J. Lepore

6 Timothy J. Lepore

7 Attorneys for Defendant
8 BRIC-TPS LLC
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SIGNATURE CERTIFICATION

Pursuant to U.S. District Court for the Central District of California Local Rule 5-4.3.4(a)(2)(i), I hereby attest and certify that the content of this document is acceptable all counsel listed above, and that I have obtained said counsels' authorization to affix their electronic signature to this document.

/s/ Blake J. Lindemann

BLAKE J. LINDEMANN

1 **PROOF OF SERVICE**

2 I, the undersigned, declare: I am employed in the County of Los Angeles,
3 State of California. I am over the age of 18 and not a party to the within action; my
4 business address is 433 N. Camden Drive, 4th Floor, Beverly Hills, CA 90210.

5 On August 22, 2019, I served the foregoing document as follows:

6 **JOINT STATEMENT INFORMING THE COURT OF SETTLEMENT WITH**
7 **THE TCA DEFENDANTS AND BRIC TPS, LLC**

8 [X] by electronically filing the foregoing with the Clerk of the Court using the
9 CM/ECF system which will send notification of such electronic filing to counsel of
10 record for all parties by operation of the Court's CM/ECF System.

11 [] by U.S. Mail in the ordinary course of business to the non-CM/ECF
12 participants indicated on the attached Manual Notice List. I am readily familiar with
13 the Firm's practice for the collection and processing of correspondence for mailing
14 with the Postal Service and that the correspondence would be deposited with same
that same day in the ordinary course of business.

15 I declare under penalty of perjury under the laws of the United States of
16 America and the State of California that the above is true and correct. Executed on
17 August 22, 2019, at Beverly Hills, California.

18 /s/ Blake J. Lindemann

19 BLAKE J. LINDEMANN